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Total Number Of Pages In This Submission

18 (plus 16 references)

Application Number

09/436,455

Filing Date

November 8, 1999

First Named Inventor

Christopher J. DANEK

Group Art Unit

3737

Examiner Name

D. Shay

Attorney Docket No.

435712000921

ENCLOSURES (check all that apply) Fee Transmittal Form Assignment Papers
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Reply Licensing-related Papers Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declarations Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation
Change of Correspondence Address Other Enclosure(s) (please identify below):
Form PTO -1449 - 3 pages (w/copy);
International Search Report - 8 pages;
Return Receipt Postcard Express Abandonment Request Terminal Disclaimer Information Disclosure Statement - 3 pages Request for Refund CD, Number of CD(s) _____ Certified Copy of Priority Document(s)

Remarks

 Response to Missing Parts/
Incomplete Application Response to Missing Parts
under 37 CFR 1.52 or 1.53

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

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Morrison & Foerster, LLP, 755 Page Mill Road, CA 94304-1018

Signature

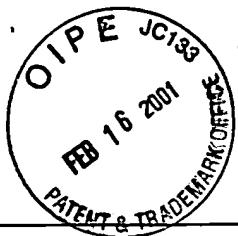
Date

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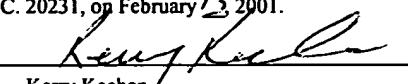
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher J. DANEK et al.

Serial No.: 09/436,455

Filing Date: November 8, 1999

For: DEVICES FOR MODIFICATION OF
AIRWAYS BY TRANSFER OF
ENERGY

Examiner: D. Shay

Group Art Unit: 3737

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**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of documents numbered 9, 21, 47, 51, 55, 56, 59 and 62-69 are submitted herewith. However, copies of documents numbered 1-8, 10-20, 22-46, 48-50, 52-54, 56-58, 61, and 70-75, were previously submitted to the related application Serial Number 09/296,404, filed April 21, 1999, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R.

§1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

The documents listed 9, 21, 47, 51, 55, 59 and 63-69 on the attached Form PTO-1449 were cited in a Search Report mailed on November 27, 2000 (copy attached), directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of * is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by

third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **435712000921**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 13, 2001

Respectfully submitted,

By:


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